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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,476	07/18/2003	George Blaisdell	12927.15US01	4568
23552	7590	08/13/2004	EXAMINER	
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			VASUDEVA, AJAY	
			ART UNIT	PAPER NUMBER
			3617	

DATE MAILED: 08/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/623,476

Applicant(s)

BLAISDELL ET AL.

Examiner

Ajay Vasudeva

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 1-18, 20-24 and 26-32 is/are rejected.
- 7) ☐ Claim(s) 19 and 25 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>received 10/2003</u> . | 6) <input type="checkbox"/> Other: ____ |

Claim Objections

1. Claims 24 and 28 are objected to because of the following informalities:
 - Claim 24 recites "extends at least ___ inches" and has omitted dimensional information due to a typographical error.
 - Claim 28 recites "is secure to secured" and has grammatical error in the sentence structure.

Appropriate correction is required.

DETAILED ACTION

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 10-15, and 29-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Mertz (US 4,012,070 A).

Mertz shows an enclosure (figure 3) that is expandable in a vertical as well as lateral direction, having a plurality of rigid walls defining an interior space. The interior space is capable of being used as a changing room, and is therefore considered to be a privacy enclosure. The enclosure has a first rigid wall [30] that is configured to pivot upwardly from a first position to a generally vertical position, and a second rigid wall [18, 18'] extending laterally in a direction outward from the first wall. The second wall

includes a first section [18] that is fixed relative to the first wall, and a second section [21] configured to slide in a direction outward from the first wall.

The steps claimed in the method claims 29-31 are inherent in deployment of the enclosure in an expanded configuration.

4. Claims 1-9, 12, 13 and 29-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Escoto (US 3,352,596 A).

Escoto shows an enclosure (figure 3) that is expandable in a vertical as well as lateral direction, having a plurality of rigid walls defining an interior space. The interior space is capable of being used as a changing room, and is therefore considered to be a privacy enclosure.

The enclosure has a first rigid wall [12, 13] that is configured to pivot upwardly from a first position to a generally vertical position, and a second rigid wall [1] extending laterally in a direction outward from the first wall. The enclosure includes an upper region that is stowable within the lower region. The upper region includes a first door section, and the lower region includes a second door section, the first and the second door sections being pivotable in an interlocking manner.

The steps claimed in the method claims 29-31 are inherent in the deployment of the enclosure in an expanded configuration.

5. Claims 12, 13, 16-18, and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by JP ('270).

JP ('270).shows an enclosure [7] (figures 1 and 2) having a lower base [15], and a stowable enclosure coupled to the lower base (figure 2). The stowable enclosure includes a first rigid outer wall [12], which together with the lower base define an interior.

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A toilet [18] is slidably moveable between the storage compartment [8] and the privacy enclosure. A second rigid wall [5] extends laterally in a direction outward from the first wall.

The step claimed in the method claim 32 is inherent in the deployment of the toilet in a raised configuration.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 20-24 and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kovac (US 4,691,657) in view of Maieli et al. (US 5,673,962)

Kovac shows an amphibious recreational vehicle that is usable as a boat.

Kovac fails to show provision of a toilet in the vehicle.

Maieli et al. shows a toilet enclosure for a recreational vehicle (figures 6-11) that is expandable outside the body of the vehicle. The toilet enclosure has rigid walls, and a door [30] hinged to one of the walls. The toilet enclosure includes a toilet region, and a changing room region within the toilet enclosure that is adjacent the toilet region as its extension. From the figures, the changing room region appears to extend a length beyond the toilet region in a range of about 24 inches and 36 inches. The vehicle floor is considered equivalent to a deck structure when the vehicle is being used as a boat.

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It would have been obvious for one skilled in the art at the time of the invention to have included an expandable toilet in the recreational vehicle of Kovac, as taught by Maieli et al. Having such a toilet with the vehicle would not only have provided an onboard convenience to the vehicle occupants, but would have done so without taking up the interior space of the vehicle. It would additionally have provided access to the toilet directly from outside location.

When incorporated in the vehicle of Kovac, the toilet enclosure would have been movable between a stowed and an expanded configuration.

Allowable Subject Matter

8. Claims 19 and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

JP (240), JP (146), FR (507), and DE (486) show collapsing enclosures.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ajay Vasudeva whose telephone number is (703) 306-5992. The examiner can normally be reached on Monday-Friday 1:00 pm--5:30 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, S. Joe Morano can be reached on (703) 308-0230. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


AV

Ajay Vasudeva
Examiner
Art Unit 3617


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